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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,227	03/21/2001	James K. Vanderveen	60,426-242(2000P09010US01	2008
24500 7590 02/05/2004			EXAMINER	
SIEMENS CORPORATION			GRIER, LAURA A	
INTELLECTUAL PROPERTY LAW DEPARTMENT			ART UNIT	
170 WOOD AVENUE SOUTH			2644	
ISELIN, NJ 08830			PAPER NUMBER	
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DATE MAILED: 02/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,227

Applicant(s)

VANDERVEEN, JAMES K.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-15,17 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-15,17,20-30,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 31 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. The indicated allowability of claims 20-21 and 26 (now cancelled) is withdrawn in view of the newly discovered reference(s) to U. S. Patent No. 6005957 and U. S. Patent No 4638965. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Meeks, U. S. Patent No. 6005957.

Regarding claim 20, Meeks discloses mounting a loudspeaker to a vehicle (figures 1 and 4). Meeks disclosure comprises a conventional speaker structure/enclosure (references 30 and 50) that is common to many vehicles, which reads on a common speaker housing (col. 3, lines 66-67 and col. 4, lines 9, 39-46); with a mounting apparatus (comprising references 40, 34 and 46), which indicates a bracket and further Meeks, indicates that the mounting apparatus may be used in various application for installing a loudspeaker (col. 6, lines 11-41), thus inherently

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indicating the mounting apparatus being custom forming to different vehicles; wherein the speaker housing and mounting apparatus are joined thereto, and attached to the vehicle.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3, 5-9, 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham in view of De Bruine et al., U. S. Patent No. 4638965., and further in view of applicant's admitted prior art (herein, AAPA).

Regarding **claims 1 and 17**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing in a speaker enclosure (22), wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40) and an air cleaner housing (20). However, Everingham fails to specifically disclose the housings being mounted by brackets to a vehicle structure, or the speaker housing and air cleaner housing being plastic or positioned as claimed. The examiner maintains that such a mounting means and the plastic housings were well known in the art.

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Regarding the mounting brackets, in similar field, De Bruine et al. (herein De Bruine) discloses a universal mounting bracket for use in exhaust area of vehicle comprising a first portion and second portion; the first portion (a support rod) extending to connect to the vehicle, and a second portion comprising a clamps for clamping the exhaust or the like coupled to a support plate (col. 2, lines 20-68 and col. 3, lines 1-16), which constitutes as a distal portion joined the 1<sup>st</sup> or 2<sup>nd</sup> housing portion, wherein it obvious to have more than one such structure for supporting more than one device.

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a mounting bracket for the purpose of providing efficient support and stability for mounting an speaker housing in a combustion area and coupling to a vehicle.

Regarding the plastic housings, The AAPA discloses that it is common for vehicle structures to be made of plastic.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by implementing plastic housing structures, wherein the plastic housing structures are commonly used in vehicles and economical in manufacturing.

Regarding the positioning of the air cleaner to the speaker and the engine, it would have been obvious to one of the ordinary skill at the time to invention was made to modify to positions the noise attenuation system for the purpose of optimizing the performance of the system as desired.

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Regarding **claim 3**, Everingham, De Bruine and AAPA (herein, Everingham combination) disclose everything claimed as applied above (see claim 1). De Bruine further discloses that the mounting means such as rubber insulators between the brackets and vehicle (abstract and col. 4, lines 21-38) for added security and stability of the mount, reducing vibration, etc.

Regarding **claim 5**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses mounting via welding (col. 4, lines 35-38).

Regarding **claims 6-8**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

Regarding **claim 9**, Everingham combination discloses everything claimed as applied above (see claim 1). De Bruine further discloses that the bracket comprises a plurality of apertures and may be adjusted longitudinally and laterally (col. 2, lines 8-34, and col. 26-31). Then it would have obvious to combine two or more brackets of such structure to comprising a single bracket comprising multiple legs for providing sufficient support of the length and weight capacity of the duct housing structure to the vehicle for the purposes of lessening vibrations movements and other instabilities that may occur.

**6. Claims 10, 12-15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over**  
Everingham in view of De Bruine et al.

Regarding **claims 10 and 32**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing in a speaker enclosure (22), wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40). However, Everingham fails to specifically disclose the housings being mounted by brackets to a vehicle structure, or the speaker being a generic speaker housing common to vehicles. The examiner maintains that such a mounting means were well known in the art.

Regarding the mounting brackets, in similar field, De Bruine et al. (herein De Bruine) discloses a universal mounting bracket for use in exhaust area of vehicle comprising a first portion and second portion; the first portion (a support rod) extending to connect to the vehicle, and a second portion comprising a clamps for clamping the exhaust or the like coupled to a support plate (col. 2, lines 20-68 and col. 3, lines 1-16), which constitutes as a distal portion joined the 1<sup>st</sup> or 2<sup>nd</sup> housing portion, wherein it obvious to have more than one such structure for supporting more than one device.

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a mounting bracket for the purpose of providing efficient support and stability for mounting an speaker housing in a combustion area and coupling to a vehicle.

Regarding the speaker housing common to multiple vehicles. The examiner takes official notice that generic speaker housing were well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify

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the invention of Everingham combination by implementing a speaker housing common to multiple vehicles, wherein it common practice in the art the have generic speakers and/or speaker housings for the purpose of lessening manufacturing time and money for automobile developers when employing speakers to different types of vehicles.

**Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham in view of De Bruine and further in view of the applicant's admitted prior art (herein, AAPA).

Regarding **claim 11**, Everingham and De Bruine disclose everything claimed as applied above (see claim 10). However, Everingham and De Bruine fail to disclose the housing structures of molded of plastic. The AAPA discloses that it is common for vehicle structures to be made of plastic.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by implementing plastic housing structures, wherein the plastic housing structures are commonly used in vehicles and economical in manufacturing.

Regarding **claims 12-16**, Everingham combination discloses everything claimed as applied above (see claim 10). De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

7. **Claims 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham in view of De Bruine et al.



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Regarding **claim 22 and 23**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing in a speaker enclosure (22), wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40) and an air cleaner housing (20). However, Everingham fails to specifically disclose the housings being mounted by brackets to a vehicle structure, or the speaker housing and air cleaner housing being plastic. The examiner maintains that such a mounting means and the plastic housings were well known in the art.

Regarding the mounting brackets, in similar field, De Bruine et al. (herein De Bruine) discloses a universal mounting bracket for use in exhaust area of vehicle comprising a first portion and second portion; the first portion (a support rod) extending to connect to the vehicle, and a second portion comprising a clamps for clamping the exhaust or the like coupled to a support plate (col. 2, lines 20-68 and col. 3, lines 1-16), which constitutes as a distal portion joined the 1<sup>st</sup> or 2<sup>nd</sup> housing portion, wherein it obvious to have more than one such structure for supporting more that one device.

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a mounting bracket for the purpose of providing efficient support and stability for mounting an speaker housing in a combustion area and coupling to a vehicle.

However, Everingham and De Bruine fail to disclose the housing structures of molded of plastic. The AAPA discloses that it is common for vehicle structures to be made of plastic.

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by implementing plastic housing structures, wherein the plastic housing structures are commonly used in vehicles and economical in manufacturing.

Regarding **claim 24**, Everingham and De Bruine disclose everything claimed as applied above (see claim 22). De Bruine further discloses that the mounting means such as rubber insulators between the brackets and vehicle (abstract and col. 4, lines 21-38) for added security and stability of the mount, reducing vibration, etc.

Regarding **claims 27-30**, Everingham combination discloses everything claimed as applied above (see claim 22). De Bruine further discloses mounting via welding (col. 4, lines 35-38) or the like. Thus, various mechanical techniques, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

8. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over Meeks in view of the applicant's admitted prior art (AAPA).

Regarding claim 21, Meeks discloses everything claimed as applied above (see claim 20). However, Meeks fails to disclose the mounting apparatus comprising standard isolation member for each vehicle. The examiner maintains that such a standard isolation member was well known in the art.

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Regarding the standard isolation member, AAPA, disclose rubber grommets being used to mount the housing to a vehicle.

Thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Meeks by providing rubber grommets for the purpose of providing addition isolation.

Regarding **claim 33**, Everingham and De Bruine disclose everything claimed as applied above (see claim 10). De Bruine further discloses that the mounting means such as rubber insulators between the brackets and vehicle (abstract and col. 4, lines 21-38) for added security and stability of the mount, reducing vibration, etc.

**Claims 31 and 34** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

9. The applicant did not present any arguments.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

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**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
January 12, 2004

  
XU MEI  
PRIMARY EXAMINER